

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Setsuo OMOTO et al. :
Serial No. 10/509,741 : Attorney Docket No. 2004-1468A
Filed September 30, 2004 :

FUEL CELL POWER GENERATION
SYSTEM AND METHOD FOR OPERATING
SAME
[Corresponding to PCT/JP03/05353
Filed April 25, 2003]

**SUBMISSION OF ENGLISH/JAPANESE
DECLARATION AND POWER OF ATTORNEY**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The attached Declaration and Power of Attorney includes both Japanese language text and English language text. The English language text constitutes an accurate translation of the Japanese language text.

Respectfully submitted,

Setsuo OMOTO et al.

By



Nils E. Pedersen
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October 18, 2004

DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATION

米国特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書 (英語でご記入下さい)

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

下記の氏名の発明者として、私は以下の通り宣言します。私の住所、郵便物送付先、国籍は下記の私の氏名の後に記載された通りです。下記の名称の発明に関して請求の範囲に記載され、特許出願している発明内容について、私が最先かつ唯一の発明者（下記の氏名が一つの場合）もしくは最先かつ共同の発明者（下記の氏名が複数の場合）であると信じています。

Title (発明の名称) : Fuel Cell Power Generation System and Method for Operating Same

of which is described and claimed in:

上記名称の発明を記述し特許請求する書類は、以下のいずれかです。

() the attached specification, or

本状に添付した明細書

() the specification in the application Serial No. _____ filed _____;

(上記日付) 提出の米国出願番号 (上記出願番号) で、

and with amendments through _____ (if applicable), or

(該当する場合) (上記日付等) に訂正された明細書

(X) the specification in International Application No. PCT/JP03/05353, filed April 25, 2003

and as amended on _____ (if applicable).

(上記日付) 提出の特許協力条約に基づく国際出願番号PCT/ (上記出願番号) で、

(該当する場合) (上記日付等) に訂正された明細書

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

私は、特許請求の範囲を含む上記訂正後の明細書を検討し、内容を理解していることをここに表明します。

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

私は、連邦規則法典第37編第1条56項に定義されるとおり、特許性の有無について重要な情報を開示する義務があることを認めます。

I hereby claim priority benefits under Title 35, United States Code, §119 (and §172 if this application is for a Design) of any application(s) for patent or inventor's certificate listed below and have also identified below any application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

私は、米国法典第35編119条（もし本願が意匠に関する出願の場合は172条）に基づき、下記の特許出願又は発明者証の出願についての優先権の利益をここに主張するとともに、優先権主張の基礎となる出願日を有する、本出願の前に出願された特許または発明者証の出願を以下にすべて、枠内をマークすることで示しています。

| COUNTRY 国名 | APPLICATION NO. 出願番号 | DATE OF FILING 出願日 | PRIORITY CLAIMED 優先権主張 |
|---------------|-------------------------|-----------------------|------------------------------|
| Japan | 2002-130315 | May 2, 2002 | Yes |
| Japan | 2002-198615 | July 8, 2002 | Yes |
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I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or 365(c) of any PCT international application designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which become available between the filing date of the prior application and the national or PCT international filing date of this application:

私は、米国法典第35編120条に基づいて下記の特許出願、又は米国を指定している特許協力条約365条(c)に基づく優先権をここに主張します。また、本出願の各請求の範囲の技術的事項が米国法典第35編112条第1段で規定された方法で先行する米国特許出願に開示されていない限り、当該先行出願の出願日以降で本出願の国内又はPCTに基づく国際出願の提出日までの期間中に入手できるようになっ

た、連邦規則法典第37編1条56項で定義された特許性の有無に関する重要な情報について、開示義務があることを認識しています。

| APPLICATION SERIAL NO. 出願番号 | U.S. FILING DATE 米国出願日 | STATUS: PATENTED, PENDING, ABANDONED 現状:特許許可済、係属中、放棄済 |
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I further declare that all statements made herein of my own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

私は、私自身の知識に基づいて本宣言書中で私が行う表明が真実であり、かつ私の入手した情報と私の信じるところに基づく表明がすべて真実であると信じていること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基づき、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の声明を行えば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣誓を致します。

And I hereby appoint Michael R. Davis, Reg. No. 25,134; Matthew M. Jacob, Reg. No. 25,154; Jeffrey Nolton, Reg. No. 25,408; Warren M. Cheek, Jr., Reg. No. 33,367; Nils E. Pedersen, Reg. No. 33,145; and, Charles R. Watts, Reg. No. 33,142, who together constitute the firm of WENDEROTH, LIND & PONACK, L.L.P., jointly and severally, attorneys to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

私は、本出願に関する一切の手続きを米特許商標局に対して遂行する弁護士として、共同でWENDEROTH, LIND & PONACK, L.L.P.法律事務所を構成しているMichael R. Davis (登録番号第25,134号)、Matthew M. Jacob (登録番号第25,154号)、Jeffrey Nolton (登録番号第25,408号)、Warren M. Cheek, Jr. (登録番号第33,367号)、Nils E. Pedersen (登録番号第33,145号) 及びCharles R. Watts (登録番号第33,142号) を指名いたします。

I hereby authorize the U.S. attorneys named herein to accept and follow instructions from _____ as to any action to be taken in the U.S. Patent and Trademark Office regarding this application, without direct communication between the U.S. attorneys and myself. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by me.

私は、本願に関して米国特許商標局で行われるあらゆる手続行為に関し、ここに指名した米国弁護士を、弁護士と私との間で直接連絡をとることなく、(米国弁護士が連絡する相手先。譲受人もしくは日本の代理人等)からの指示を受けそれに従うことを、ここに承認します。指示を送る者を変更する場合は、その旨を上記米国弁護士は私から告知されます。

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The above application may be more particularly identified as follows:
 上記出願は、さらに具体的には以下のように特定されます。

U.S. Application Serial No. _____ Filing Date _____
 (上記出願日) 提出の米国特許出願第 (上記出願番号) 号

Applicant Reference Number _____ Atty Docket No. _____
 出願人側整理番号 (上記番号) 米国弁護士側管理番号 (上記番号)

Title of Invention _____
 発明の名称